



StepIn Complaints Policy and Procedure

SOP Title:

Standard Operating Procedure for Complaints Policy and Procedure

Document reference number	SCOM1	Document developed by	Noelin Fox
Revision number	One	Document approved by	Board of directors, StepIn
Approval date	March 24, 2016	Responsibility for implementation	All StepIn staff and volunteers
Revision date	This guidance will be reviewed at least every 2 years. A change in relevant legislation, practice, service requirements or a serious incident will prompt an earlier review.	Responsibility for review and audit	Board of directors, StepIn

Policy:

StepIn is committed to constantly improving the service we provide. In order to achieve this, StepIn will listen and respond to views and opinions expressed about any element of our work.

Everyone has a right to complain if they are dissatisfied. StepIn Network Members, staff, volunteers, family members, professionals and other agencies have an equal right to make a complaint.

StepIn promises to deal positively with complaints, carry out the necessary

investigation and make any changes as necessary to ensure StepIn meets the highest standards.

StepIn is committed to ensuring that making a complaint does not result in discrimination or have any negative effect on a Member's support.

Purpose:

The purpose of this document is to provide information to network members, staff, volunteers, families and other agencies on the procedure for dealing with complaints in StepIn and also to provide guidelines for staff and volunteers to deal with a verbal complaint that is made to them.

There is no policy that guarantees any foolproof method of dealing with a complaint but in all cases staff and volunteers should use their common sense and good listening skills to be effective in ensuring that most complaints can be dealt with at the first point of contact.

Scope:

This policy affects any person, excluding staff members, who may wish to make a complaint about StepIn.

Procedure for dealing with complaints:

Who can make a complaint?

Any person who is being or was provided with a service by StepIn or any person who is seeking or has sought provision of StepIn service may make a complaint under the complaints procedure. Other relevant people acting with or on behalf

of a member may also make a complaint. This includes staff, volunteers, family members, professionals and other agencies.

How complaints can be made:

A complaint under this policy can be made through whatever means the person wishes to communicate: This may be verbally, through use of any assisted language programme, sign language or through written means including email, fax or letter.

A complaints form is attached to the end of this policy. The complaints form is freely available throughout the service. A member, or any other person entitled to make a complaint under this procedure, can do so by themselves or with the aid of an advocate and/or a staff member.

Advocacy:

Any person who wishes to make a complaint is entitled to appoint an advocate. All members may avail of an independent advocacy service through the National Advocacy Service for People with Disabilities. This service can be contacted at 0761073000.

A member, or any other person entitled to make a complaint under this procedure, does not have to appoint an advocate.

Making a complaint on behalf of another person:

Any person can make a complaint on behalf of a member or another person who is entitled to make a complaint under this procedure, provided they have, where possible, that person's consent to make that complaint. This means that any friend, family member, advocate or staff member can make a complaint on behalf of a member or another person who is entitled to make a complaint under this procedure.

It is preferable that a person makes a complaint on their own behalf; however, StepIn recognises that a person making a complaint may feel uncomfortable and accepts that sometimes it may be better for the person to have the complaint made on their behalf. When investigating a complaint made on behalf of a person, StepIn will endeavour to ensure that there is consent of the person on whose behalf the complaint is made.

If requested by the complainant, a staff member/volunteer/ Complaints Officer may provide assistance to the complainant to make a written complaint. The staff member should encourage the person to stick to the facts of the issue in as far as they believe them to be true.

Stages of the complaints management process:

There are different stages for managing complaints received by StepIn. The stages are:

- Stage 1** Local resolution of verbal complaints at point of contact (Informal)
- Stage 2a** Local level resolution with Complaints Officer (Informal)
- Stage 2b** Investigation of written and serious complaints (Formal)
- Stage 3** Independent Review (Ombudsman)

Timeframes for making complaints:

The Health Act 2004, Section 47, outlines the timeframes that will determine if a complaint can be made using this process.

- Time Limits for making a complaint

The Complaints Officer must determine if the complaint meets the time frames as set out in Section 47, Part 9 of the Health Act 2004 which requires that:

A complaint must be made within 12 months of the date of the action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint

The Complaints Officer may extend the time limit for making a complaint if in the opinion of the Complaints Officer special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:

- if the complainant is ill or bereaved
- If new relevant, significant and verifiable information relating to the action becomes available to the complainant
- if it is considered in the public interest to investigate the complaint
- if the complaint concerns an issue of such seriousness that it cannot be ignored
- Diminished capacity of the person at the time of the experience e.g. mental health, critical/ long-term illness. The Complaints Officer may seek appropriate clinical judgment in relation to this.
- Where extensive support was required to make the complaint and this took longer than 12 months

The Complaints Officer must notify the complainant of decision to extend / not extend time limits within five working days of the complaint being received.

Items that cannot be resolved through the Complaints Policy and Procedure (as per Part 9 of the Health Act 2004):

- Something that is or has been subject to legal proceedings of a court or a tribunal;
- A matter solely related to the exercise of clinical judgment by a person acting on behalf of StepIn
- An action taken by StepIn solely on the advice of a person exercising clinical judgment acting on behalf of StepIn.
- A matter relating to the recruitment or appointment of an employee by StepIn
- A matter relating to the terms or conditions of a contract of employment that StepIn intends to enter into.
- A matter relating to Social Welfare Acts.
- A matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004;
- A matter that could prejudice an investigation being undertaken by an Garda Síochána;
- A matter that has been brought before any other complaints procedure established under the law.

StepIn will endeavour to deal effectively and satisfactorily with all parties concerned when a complaint is made.

Anonymous Complaints:

Anonymous complaints on their own cannot lead to a formal investigation, as there is always the possibility that they are vexatious. However, details of anonymous complaints will be forwarded to the Complaints Officer and Board of Directors to ensure appropriate consideration.

Managing Complaints:

Guidance on acknowledging a complaint.

Stage one: Local resolution of verbal complaints at point of contact (informal).

For the most part complaints are made verbally. In cases where complaints are made verbally by members to staff/volunteers, the staff/volunteer member should deal with it as promptly as possible.

All verbal complaints, whether made by a member or another person should be dealt with by the recipient of the complaint in a respectful manner. The complainant should be given the individual attention of the recipient.

It is important to note that in most cases the complaint being made is not aimed directly at the person who is receiving the complaint but rather about the organisation in general, therefore, it is important that the recipient of the complaint does not get angry, argumentative or take a complaint personally. The recipient of the complaint should employ good communication skills and be helpful towards the complainant. The recipient of a complaint should not accept or take offence at personal abuse or aggressive behaviour by a person making the complaint.

Staff/volunteers should adopt the LISTEN when receiving verbal complaints:

Listen:

Listen carefully to the issues being raised by the complainant

Identify:

Identify if there are multiple issues relevant to the complaint and separate each issue. Attempt to identify any hidden or underlying issues that may

exist. Summarise the issues to clarify and check that you understand what the person is telling you. Ask the complainant to confirm that they agree with your interpretation of their complaint. Find out from the complainant what they want to happen as a result of their complaint.

Sympathise: Empathise and acknowledge the feelings of the complainant.

Expression of regret or apology:

Research indicates that an early expression of regret or apology can minimise the possibility of a verbal complaint becoming a formal written complaint. However, in some circumstances it is important that a staff member/volunteer does not apologise or, as such, accept blame for a situation that has not been caused by the organisation. Training for staff must deal with the area of expression of regret and apology. Staff must also be given the skills to recognise when a complaint can or cannot be resolved at first point of contact and when the complaint needs to be referred to the Complaints Officers for appropriate [investigation and] management.

Thank the complainant

Thank the person for taking the time to make the complaint.

Explain:

Explain to the complainant that there will be no negative repercussions because they have made the complaint in good faith.

Now Act: Assess the verbal complaint:

Once a verbal complaint is received by a staff member/volunteer in StepIn, the person receiving the complaint must ensure that they get as

much information as possible about the complaint to assist them in assessing the seriousness of the complaint. The staff member/volunteer can then use this information to assist them in determining if the complaint should be resolved at the point of contact or if the complaint should be referred to the Complaints Officer for management at Stage 2 of the complaint management process.

Staff should only attempt to manage complaints received at the point of contact if due care has been taken to establish that all issues can be addressed appropriately at the point of contact.

Determine the appropriate options for the management of the complaint:
The person receiving the complaint must determine the most appropriate process for the management of the complaint. These options are:

- 1) The complaint is received by a staff member/volunteer who determines that it is appropriate to manage the complaint at the point of contact with a view to resolving the complaint.
- 2) The complaint is received by or referred to the Complaints Officer who determines that the complaint may be managed with a view to resolution at the point of contact and links with the relevant staff member/volunteer
- 3) The staff member/ volunteer or Complaints Officer who receives the verbal complaint decides that the complaint cannot or should not be resolved by them and advises the complainant to submit their complaint as a formal written complaint for investigation.

Timeframes for the Management of a Verbal Complaint.

Every effort should be made to resolve a verbal complaint immediately or within 24 hours of receiving the verbal complaint if it is deemed appropriate to manage the complaint, with a view to resolution, at the first point of contact.

When should a complaint not be managed at Stage 1?

There are a variety of reasons why a complaint should not be managed at Stage 1 of the process. The key reasons include:

- The complaint involves too many issues to resolve at the point of contact.
- The complaint was a result of harm/incident or a near miss and requires further investigation to identify and eliminate the root causes.
- The complaint was as a result poor standards in the provision of StepIn services that require further investigating to identify the reasons for the poor standards and if there are any system improvements required.
- The complaint involves a number of people or a number of locations and involvement of all parties is required to effectively and fairly investigate the complaint.
- A complaint is made of an allegation of harassment, sexual harassment, abuse or bullying. This must be referred in the appropriate channels as described in the policy on Adult Protection. Please consult this policy for further information on dealing with any allegation of the above-mentioned nature.

Complaints that cannot be resolved at Stage 1

If it is not possible to resolve the complaint to the satisfaction of the complainant at the first point of contact, the person receiving the complaint must advise the complainant:

- Of the reasons why the complaint cannot be resolved at the point of contact

- That they may submit the complaint as a formal written complaint
- Of the process for submitting a formal written complaint
- What will happen with their complaint.

Recording Verbal Complaints

The Complaints Office reports on trends in relation to complaints to the Board of Directors, even those that can be resolved at local level. The aim of this is to aid organisational learning about best practice within the organisation.

Where a member wishes that a complaint goes no further than the local manager at their service location, this should be respected. However, it should be explained to the member that if a resolution is outside the direct control of the staff member/volunteer that by not allowing the complaint to progress further there may not be a satisfactory resolution to the problem. Also, in some circumstances there is an obligation on staff/volunteers to refer on complaints covered by the Adult Protection policy – this overrides the consent of person.

Both verbal and written complaints should be documented in the Complaints Ledger.

All verbal complaints should be recorded whether resolved at stage one or not. Level one complaints should also be recorded whether the complainant consents to the complaint being discussed further or if the complaint is made anonymously. In the latter two cases the nature of the complaints should be recorded and submitted to the Complaints Officer once per month. The Supported Living Coordinator is responsible for keeping the Complaints Officer updated on a monthly basis of all complaints.

If the situation has been resolved, to the satisfaction of the complainant, this should be stated clearly and an outline of the measures taken to achieve the resolution noted in the Complaints Ledger.

The Complaints Officer will compile these reports and will reported into the Board of Directors.

The Complaints Officer must ensure that the local resolution process upholds and protects the rights of staff members, the organisation and the complainant.

Complainants may want an undertaking that action will be taken to prevent the problem recurring.

Some complaints cannot be resolved at the point of contact and will require management and investigation at Stage 2 of the process.

Stage 2a – Local level resolution with Complaints Officer (Informal)

The Complaints Officer must consider whether it would be practicable, having regard to the nature and the circumstance of the complaint, to seek the consent of the complainant and any other person to whom the complaint relates to finding an informal resolution of the complaint by the parties concerned.

Mediation may be used to attempt resolution of the complaint at Stage 2 if both parties agree.

Where informal resolution is not successful or is deemed inappropriate, the Complaints Officer will initiate a formal investigation of the complaint as outlined in stage 2b below.

Stage 2b – Investigation of written and serious complaints (formal):

When a formal complaint comes to the Complaints Officer then the Complaints Officer must inform the Chairperson of the Board of Directors before an investigation gets underway.

If the situation has not been resolved, the Complaints Officer, or a person who Board Chairperson designates (the investigator) becomes responsible for the achievement of a resolution.

The complaint form will be responded to, in writing, by the investigator within five working days.

This response will outline the steps that the investigator will take to investigate the complaint. It will also outline the amount of time that will be spent investigating the complaint before the investigator will discuss the complaint further with the complainant and/or their representative.

Generally, the timeframe for an investigator investigating a complaint should be no longer than 30 working days. However, if it is likely to be longer than 30 working days the investigator must let the complainant know how much longer the investigation will take. The investigator must also update the complainant of the progress being made at least every 20 working days.

If a complaint is likely to take longer than six months to investigate the Board Chairperson must explain to the complainant why the investigation is taking this length of time. He/she must also outline other options open to the complainant, for example, the Ombudsman.

If a resolution is achieved to the satisfaction of the complainant then the person investigating the complaint should report this to the Board Chairperson and the Complaints Officer within two weeks of the date on the report.

The investigator can make a recommendation that policies, procedures and guidelines in place in StepIn are amended to try to ensure that an action that gave rise to the complaint does not happen again.

Stage 3 – Independent Review (external appeal):

If the complainant is not satisfied with the outcome of an investigation into their complaint, or if the complainant is not happy with the steps taken in the process for the investigation then they are free to refer the complaint to the Ombudsman at the following address:

Office of the Ombudsman

18 Lower Leeson Street,

Dublin 2

Telephone: (01) 639 5600

Lo-Call telephone number: 1890 223 030

Fax: (01) 639 5674.



StepIn Complaints Form

This complaint form should be completed by any person who has a complaint about StepIn.

A member can ask a staff member or volunteer to help them complete the form.

The complaint form should be given to Noelin Fox who is the complaints officer for StepIn. You may also call StepIn's confidential complaints line on 087 2615544.

Name of member making complaint:

Name of staff member/volunteer who helped you fill in this complaint form:

Please give a description of why you are making this complaint?

(You can attach another sheet to this complaint form if you need to give more information about the complaint)

Is there anything that has been done already about the complaint?

What could be done in StepIn to resolve this complaint?

Signed by:

(Person making complaint)

Date:

Please return this completed form to Noelin Fox, Complaints Officer, StepIn,
Comans Park, Roscommon.

This section should only be filled in by Noelin Fox, Complaints Officer, StepIn.

Reference:

Recommendations:

Date sent to Board Chairperson: